UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,244	06/28/2001	Sreeram Duvvuru	5681-90800	9154

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EXAMINER
CHANKONG, DOHM

ART UNIT	PAPER NUMBER
2152	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/896,244	DUVVURU, SREERAM
	Examiner	Art Unit	
	DOHM CHANKONG	2152	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 July 2007</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-27</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-27</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   **Office Action Summary**   Part of Paper No./Mail Date 2

DETAILED ACTION

1>   This action is in response to the pre-appeal decision to reopen prosecution. The

rejection set forth by the prior examiner in the Office action filed on 4.9.2007 is therefore

withdrawn. Claims 1-27 are presented for further examination.

2>   This is a non-final rejection.

Response to Arguments

3>   Applicant's arguments with respect to claims 1-27 have been considered but are moot

in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4>   Claims 1-5, 7, 9-14, 16, 18-23, 25, and 27 are rejected under 35 U.S.C. §102(e) as being

anticipated by Patel et al, U.S. Patent No. 6.865.185 ["Patel"].

5>   As to claim 1, Patel discloses a computer-implemented method for providing differentiated quality of service in an application server, comprising:

a server system receiving a request, wherein said request includes information indicating at least one of a user identity, current user role, or a time constraint [Figure 1 | column 12 «lines 6-10» : each packet containing a user identifier]; and

in response to receiving the request:

accessing pre-determined policy data [column 3 «line 62» to column 4 «line 2» | column 7 «lines 20-26» : inserting labels that indicate FEC where the FEC identifies QoS/policy parameters | column 13 «lines 46-61» : policy base maintaining QoS policies subscribed to by the end user];

establishing a quality of service context based on said information included in said request and said policy data [column 7 «lines 60-65» | column 12 «lines 6-11» : inserting labels that identify QoS into the packet based on the user identifier]; and

propagating said quality of service context with said request in the server system, wherein said propagating comprises sending data indicating the quality of service context with the request [column 3 «line 62» to column 4 «line 2»].

6>   As to claim 2, Patel discloses said information further indicates a requested service [Figure 3 «item 102» : the packet includes the application being requested].

7>   As to claim 3, Patel discloses said quality of service context includes information indicating at least one of a service class, priority, or deadline [column 8 «lines 26-28»].

8>   As to claim 4, Patel discloses said establishing a quality of service context is completed at an ingress point [column 6 «lines 39-42»].

9>   As to claim 5, Patel discloses said ingress point is at least one of a web server or a protocol manager service within said server system [column 6 «lines 42-44»].

10>   As to claim 7, Patel discloses propagating includes inserting said quality of service context adjacent to at least one of a security and transaction context [Figure 3 «item 60» : inserting the labels in the header of the packet adjacent to transaction contexts].

11>   As to claim 9, Patel discloses a request manager service dispatching said request including said quality of service context to a software component in a plurality of software components based on said quality of service context [Figure 3 «items 32, 36» : the flow manager dispatching packets to various virtual groups based on the QoS context].

12>   As to claims 10-14, 16, and 18, they are merely directed to a computer-readable storage medium directed to performing the steps of the method of claims 1-5, 7, and 9, respectively. Therefore claims 10-14, 16, and 18 are rejected for at least the same reasons set forth for claims 1-5, 7, and 9.

13>   As to claims 19-23, 25, and 27, they are merely directed to a system that performs the

steps of the method of claims 1-5, 7, and 9, respectively. Therefore claims 19-23, 25, and 27 are

rejected for at least the same reasons set forth for claims 1-5, 7, and 9.

Claim Rejections - 35 USC § 103

        The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
> are such that the subject matter as a whole would have been obvious at the time the invention was made to a
> person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

14>   Claims 6, 15, and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over

Patel, in view of Zara et al, U.S. Patent No. 7.206.848 ["Zara"].

15>   As to claim 6, Patel does not expressly disclose propagating the same quality of

service context with a subsequent request. However, such a feature was well known in the

art at the time of Applicant's invention. For example, Zara discloses attaching the same

quality of service context ("tag") with a subsequent request related to the first request

[column 7 «lines 58-61»]. It would have been obvious to one of ordinary skill in the art to

have modified Patel to include Zara's teachings. One would have been motivated to include

the same tag in subsequent requests to insure that the requests involved in the same session

or transaction receive the QoS.

16>   As to claims 15 and 24, they are merely directed to a system that performs the steps of the method of claim 6. Therefore claims 15 and 24 are rejected for at least the same reasons set forth for claim 6.

17>   Claims 8, 17, and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Patel, in view of Vange, U.S. Patent Publication No. 20020059170.

18>   As to claim 8, while Patel discloses dispatching requests including a quality of service context, Patel does not expressly disclose a load balancing service that dispatches the requests to an application server. However, such a feature was well known in the art at the time of Applicant's invention. For example, Vange discloses the claimed feature. Like Patel, Vange discloses a system whereby a gateway provides clients access to the Internet [Patel, Figure 1 & Vange, Figure 2]. Vange discloses a load balancing service that dispatches requests to an application server in a plurality of application servers, based on said quality of service context [0094 | Vange's claim 1 : where the gateway load balances by "selecting amongst servers of redundant resources a particular server"]. It would have been obvious to one of ordinary skill in the art to have modified Patel to include Vange's load balancing capability. One would have been motivated to add such a feature into Patel to insure that loads are balanced equally between the servers.

19>   As to claims 17 and 26, they are merely directed to a system that performs the steps of

the method of claim 8. Therefore claims 17 and 26 are rejected for at least the same reasons

set forth for claim 8.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure: the following art are related to ascertaining an appropriate QoS tag for an

incoming request.

Hawkinson, U.S. Patent No. 6.295.532 - abstract;

Moir, U.S. Patent Publication No. 20020118644;

Chiussi et al, U.S. Patent No. 7.027.457 ;

Donovan et al, U.S. Patent No. 7.106.756;

Igarashi et al, U.S. Patent No. 7.277.948.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-

3942. The examiner can normally be reached on Monday-Friday [8:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dohm Chankong/
Examiner, Art Unit 2152

/Bunjob Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2152